

## REMARKS

This is intended as a full and complete response to the Office Action dated October 5, 2004, having a shortened statutory period for response set to expire on January 5, 2005. Claims 1-2, 7-10, 12-18, 20-22, 25, 26, 28-32 and 38 stand rejected, and claims 3-6, 11, 19, 23, 24, 27 and 33-37 stand objected to by the Examiner. Please reconsider the claims pending in the application for reasons discussed below.

### ***Claim Rejections - 35 USC § 102 - Claxton***

Claims 2 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Claxton* (U.S. Patent No. 5,394,616).

Applicants amended claim 2 to include the limitations previously in dependent claim 3, which stands objected to as being based upon a rejected base claim but would be allowable if rewritten in independent form. Accordingly, Applicants submit that claim 2 and claim 8 dependent thereon are patentable over the cited references. Thus, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

### ***Claim Rejections - 35 USC § 102 - Malard et al. '879***

Claim 26 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Malard et al. '879* (U.S. Patent No. 6,735,879).

Applicants amended claim 26 to clarify the invention. Claim 26 includes the limitation of a locking mechanism defining unlocked and locked positions, the locked position for selectively securing at least one retractable sharpened projection in a retracted position such that the at least one retractable sharpened projection is thereby substantially prevented from extending, and the unlocked position for permitting movement of the at least one retractable sharpened projection between the retracted position and an extended position. However, the device disclosed in *Malard et al. '879* lacks such a locking mechanism. Specifically, *Malard et al. '879* merely discloses sliding levers (reference numeral 22 in Figure 1) suitably mechanically connected for extending or retracting one or more pins. The pins disclosed in *Malard et al. '879* can always be freely extended by simply pushing the levers. Thus, *Malard et al. '879* fails to

teach, show or suggest each and every limitation in claim 26, and this failure precludes *Malard et al.* '879 from anticipating the claim. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claim.

***Claim Rejections - 35 USC § 102 - Malard et al. '825***

Claim 10 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Malard et al.* '825 (U.S. Publication No. 2004/0004825).

Applicants amended claim 10 to include the limitations previously in dependent claim 11, which stands objected to as being based upon a rejected base claim but would be allowable if rewritten in independent form. Accordingly, Applicants submit that claim 10 is patentable over the cited references. Thus, Applicants respectfully request withdrawal of the rejection and allowance of the claim.

***Claim Rejections - 35 USC § 102 - Chen***

Claims 14-18, 22 and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Chen* (U.S. Patent No. 6,763,598).

Claim 14 includes the limitation that a lens assembly includes a detent mechanism wherein a ball of the detent mechanism urges into a profile on an outside circumference of a rotary part that secures at least two lenses. The Merriam-Webster online dictionary at <http://www.m-w.com> defines circumference as (i) the perimeter of a circle. In contrast to the claimed invention, *Chen* discloses protrusions that mate with corresponding cavities on a rear side (*i.e.*, not an outside circumference) of a lens switching knob. Thus, *Chen* fails to teach, show or suggest each and every limitation in claim 14 and claims 15 and 19-21 dependent thereon. This failure precludes *Chen* from anticipating the claims. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim 22 includes the limitations that a first lens of a lens assembly provides a symmetrical linear dispersion and a second lens of the lens assembly provides an asymmetrical linear dispersion. Symmetry of dispersion relates to whether light from the laser is dispersed in two opposing directions equally to form a line (symmetrical linear dispersion) or is dispersed more in one direction than the other (asymmetrical linear dispersion).

linear dispersion). However, *Chen* discloses three lenses that provide a dot, a horizontal line, and a vertical line, respectively, without any indication that the linear dispersions providing the horizontal and vertical lines are different from one another with respect to their symmetry of dispersion. Therefore, *Chen* fails to teach, show or suggest each and every limitation in claim 22 and claim 25 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

***Claim Rejections - 35 USC § 102 - Li***

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Li* (U.S. Patent No. 6,782,034).

Applicants amended claim 1 to clarify the invention. Claim 1 includes the limitation of a lens assembly movable between at least two positions, wherein each position selectively aligns and positions a different one of at least two lenses with respect to a laser. To the contrary, *Li* discloses a set of lenses arranged in a single fixed position with respect to a laser such that the same set of lenses, and no other lenses, always pass light from that laser. Thus, *Li* fails to teach, show or suggest each and every limitation in claim 1 and new claim 41 dependent thereon, and this failure precludes *Li* from anticipating the claims. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

***Claim Rejections - 35 USC § 103***

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Claxton* in view of *Schwandt* (U.S. Patent No. 5,063,679). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Malard et al. '879* in view of *Schwandt*. Claim 30 stands rejected under 35 US.C. § 103(a) as being unpatentable in view of *Malard et al. '879* and *Tursi* in further combination with *Claxton*. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Malard et al. '825* in view of *Claxton*. Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Malard et al. '825* in view of *Tursi*. Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chen* in view of *Claxton*. Claim 21 stands

rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chen* in view of *Tursi*. Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Malard et al. '879* and *Schwandt* in further combination with *Dawson* (U.S. Patent No. 5,397,524).

Applicants submit that claims 7, 28, 30, 12, 13, 20, 21 and 29 are patentable over the cited references based at least on the traversals presented above regarding the respective independent claims from which these claims depend. Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of the claims.

Claims 2, 9, 26 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Malard et al. '879* in view of *Tursi* (U.S. Patent No. 4,924,597).

Regarding claim 2, Applicants amended claim 2 to include the limitations previously in dependent claim 3, which stands objected to as being based upon a rejected base claim but would be allowable if rewritten in independent form. Accordingly, Applicants submit that claim 2 and claim 9 dependent thereon are patentable over the cited references. Thus, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Regarding claim 26, the devices disclosed in *Malard et al. '879* and *Tursi* both lack a locking mechanism defining unlocked and locked positions, the locked position for selectively securing at least one retractable sharpened projection in a retracted position such that the at least one retractable sharpened projection is thereby substantially prevented from extending, and the unlocked position for permitting movement of the at least one retractable sharpened projection between the retracted position and an extended position, as recited in claim 26. As discussed above, the pins disclosed in *Malard et al. '879* can always be freely extended by simply pushing the levers. Further, the tape measure device disclosed in *Tursi* does not include an anchoring assembly having at least one retractable sharpened projection and a locking mechanism. Therefore, *Malard et al. '879* in view of *Tursi* fails to teach, show or suggest the claimed anchoring assembly for attaching a laser level to a surface as recited in claim 26. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of claim 26 and claim 31 dependent thereon.

Claims 32 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Malard et al.* '825 and *Schwandt* in further combination with *Dawson*.

In response, Applicants canceled claim 32 and respectfully traverse the rejection of claim 38. Specifically, the cited references, alone or in combination, fail to teach, show or suggest a method for projecting a reference line on an object that includes rotating an adjustment handle to provide micro adjustments of a laser level relative to a surface, wherein rotating the adjustment handle rotates a portion of the laser level within a plane of the surface, as recited in claim 38. Rather, *Malard et al.* '825 discloses rotating a pivot knob (reference character 15) to pivot with a 1:1 relationship working portions of a laser light generator within a plane that is perpendicular to a plane of the surface that the laser light generator is attached. Additionally, other leveling adjustments to the laser light generator disclosed in *Malard et al.* '825 move the generator in and out of the plane of the surface that the laser light generator is attached (i.e., not rotation within the plane of the surface). Further, *Schwandt* and *Dawson* are completely silent regarding adjustments relative to a surface to devices disclosed therein after attaching the devices to the surface. For these reasons, *Malard et al.* '825 in view *Schwandt* and in further combination with *Dawson* cannot render claim 38 and claims 39 and 40 dependent thereon obvious. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

#### ***Allowable Subject Matter***

Claims 3-6, 11, 19, 23, 24, 27 and 33-37 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants submit that claims 33 and 35 are presently in independent form and should therefore be allowable without any amendment thereto. Accordingly, Applicants respectfully request withdrawal of the objection and allowance of these claims and claims dependent thereon.

Applicants have rewritten claim 27 in independent form including all of the limitations of the base claim. Therefore, Applicants respectfully request withdrawal of the objection and allowance of the claim.

Applicants amended claim 2 to include the limitations of claim 3 and claim 10 to include the limitations of claim 11. Thus, claims 2 and 10 should be allowable, and claims 3 and 11 have been canceled. Accordingly, Applicants respectfully request withdrawal of the objection to claims 3 and 11.

Regarding claims 4-6, 19, 23 and 24, Applicants submit that these claims are allowable based at least on the traversal presented herein of the independent claims from which these claims depend. Accordingly, Applicants respectfully request withdrawal of the objection and allowance of the claims.

### ***Conclusion***

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



William B. Patterson  
Registration No. 34,102  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney for Applicants